

MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
DONNA WITTIG, ESQ.
Nevada Bar No. 11015
AKERMAN LLP
1635 Village Center Circle, Suite 200
Las Vegas, NV 89134
Telephone: (702) 634-5000
Facsimile: (702) 380-8572
Email: melanie.morgan@akerman.com
donna.wittig@akerman.com

*Attorneys for Plaintiff The Bank of New
York Mellon f/k/a The Bank of New York*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE HOLDERS OF THE
CERTIFICATES, FIRST HORIZON
MORTGAGE PASS-THROUGH
CERTIFICATES SERIES FHAMS 2006-AA5,
BY FIRST HORIZON HOME LOANS, A
DIVISION OF FIRST TENNESSEE BANK
NATIONAL ASSOCAITION, MASTER
SERVICER, IN ITS CAPACITY AS AGENT
FOR THE TRUSTEE UNDER THE POOLING
AND SERVICING AGREEMENT,

Plaintiff,

vs.

PARK AVENUE HOMEOWNERS'
ASSOCIATION AND RED ROCK FINANCIAL
SERVICES, LLC,

Defendants.

Case No.: 2:17-cv-2911-MMD-NJK

**STIPULATION AND ORDER TO STAY
SUBMISSION OF PROPOSED
DISCOVERY PLAN AND DISCOVERY
PENDING COMPLETION OF NRED
MEDIATION**

This action arises out of a homeowner association foreclosure sale. Park Avenue Homeowners' Association (**HOA**) foreclosed on a parcel of real property. The HOA bought the property at the sale. Defendant Red Rock Financial Services, LLC (**Red Rock**) is the collection agent. At the time of the sale, the property was encumbered by a first deed of trust. The Bank of

1 New York of New York Mellon f/k/a The Bank of New York, as Trustee for the holders of the
2 Certificates, First Horizon Mortgage Pass-Through Certificates Series FHAMS 2006-AA5, by First
3 Horizon Home Loans, a division of First Tennessee Bank National Association, Master Servicer, in
4 its capacity as agent for the Trustee under the Pooling and Servicing Agreement (**BNY Mellon**)
5 brought this action to confirm that its rights to the deed of trust were unaffected by the sale.

6 Prior to the filing of the complaint, BNY Mellon submitted a demand for mediation with the
7 Nevada Department of Business and Industry – Real Estate Division (**NRED**) for mediation
8 pursuant to NRS 38.030 to 38.360. BNY Mellon and the HOA have had numerous NRED
9 mediation sessions, and the parties believe they are close to working out a settlement. If settlement
10 occurs, this parties anticipate this entire litigation will be resolved by way of stipulation for
11 dismissal, including as to Red Rock.

12 ...

13 ...

14 ...

15 ...

16 ...

17 ...

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

Based on the foregoing, BNY Mellon, HOA and Red Rock agree that economy is best served by staying submission of the proposed discovery plan and discovery in this case until such time as the Chapter 38 NRED mediation process is complete. The parties request permission to file a status report with the court in 60 days advising on the status of the mediation efforts. If the case has not yet settled, the parties will submit a proposed discovery plan and scheduling order at the 60 day deadline. Alternatively, the parties will submit a notice of settlement or stipulation to dismiss.

Dated this the 14th day of February, 2018.

AKERMAN LLP

/s/ Donna M. Wittig
MELANIE D. MORGAN ESQ.
Nevada Bar No. 8215
DONNA M. WITTIG, ESQ.
Nevada Bar No. 11015
1635 Village Center Circle, Suite 200
Las Vegas, Nevada 89134

*Attorneys for plaintiff The Bank of New York
Mellon f/k/a The Bank of New York*

KOCH & SCOW LLC

/s/ Brody R. Wright
DAVID R. KOCH, ESQ.
Nevada Bar No. 8830
STEVEN B. SCOW, ESQ.
Nevada Bar No. 9906
BRODY R. WIGHT, ESQ.
Nevada Bar No. 13615
11500 S. Eastern Avenue, Suite 210
Henderson, Nevada 89052

*Attorneys for defendant Red Rock Financial
Services, LLC*

MARQUIS AURBACH COFFING

/s/ James Allen Beckstrom
AVECE M. HIGBEE, ESQ.
Nevada Bar No. 3739
CODY S. MOUNTEER, ESQ.
Nevada Bar No. 11220
JAMES ALLAN BECKSTROM, II, ESQ.
Nevada Bar No. 14032
10001 Park Run Drive
Las Vegas, Nevada 89145

*Attorneys for defendant Park Avenue
Homeowners Association*

IT IS SO ORDERED.

Dated: February 15, 2018


UNITED STATES MAGISTRATE JUDGE